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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,642	06/21/2001	Ivan N. Vukovic	CE08410R	6140
22917	7590	09/22/2005	EXAMINER	
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			PEREZ, ANGELICA	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,642

Applicant(s)

VUKOVIC ET AL.

Examiner

Angelica M. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments, see Appeal Brief, filed 07/05/2005, with respect to claims 1-24 have been fully considered and are persuasive. The Final Rejection of claims 1-24 has been withdrawn. However, the Examiner is issuing a new Office Action with new grounds of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-24 rejected under 35 U.S.C. 102(b) as being anticipated by Willenegger (Willenegger et al.; WO 00/57663).

Regarding claims 1, 8 and 15, Willenegger teaches in a broadband communication system (figure 1, page 2, lines 17-19; where CDMA systems are broadband systems), a method (where the application describes a method), apparatus (figure 7) and device (figure 1, items 12) for allocating a communication resource that comprises a reverse link traffic channel (page 9, item 8-11), the method comprising steps of: receiving a communication resource access request at a time that data received via the reverse traffic channel is currently being demodulated (page 9, lines 19-21; where when the access request is received the channel is being used by other user)); and in response to receiving the communication resource access request,

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transmitting a grant of access to the reverse link traffic channel (page 9, item 21-25; where the base station communicates the granting of the access).

Regarding claim 2, 9, and 16, Willenegger teaches all the limitations of claims 1, 8 and 15, respectively. Willenegger further teaches where the access grant is transmitted prior to completion of the demodulation of the data (page 9, lines 19-25; where while the channel is being used by another user, the base station sends a message with the granting of access and an indication of the time remaining for demodulation to end).

Regarding claim 3, 10 and 17, Willenegger teaches all the limitations of claims 1, 8 and 15, respectively. Willenegger further teaches where the step of transmitting a grant of access to the reverse link traffic channel comprises steps of: determining a time that a demodulator will be available (page 9, lines 19-25; where the "determination based on the length of the message", indicates the time when demodulation will end; therefore, indicating the time when the channel will be available for communication); determining a time that a grant of access to the communication channel can be transmitted based on the time that the demodulator will be available (page 9, lines 19-25; where the "determination based on the length of the message", indicates the time when demodulation will end; therefore, indicating the time when the channel will be available for communication); and transmitting an access grant based on the received request and on the determined time that the grant of access to the reverse link traffic channel can be transmitted (page 9, lines 19-25).

Regarding claim 4, 11 and 18, Willenegger teaches all the limitations of claims 3, 10 and 17, respectively. Willenegger further teaches where the step of transmitting a grant of access to the reverse link traffic channel further comprises a step of determining a time that the demodulator will finish demodulating the received message (page 9, lines 19-25; where “the maximum length for messages” already in progress indicate the time the channel will be available).

Regarding claim 5, 12 and 19, Willenegger teaches all the limitations of claims 3, 10 and 17, respectively. Willenegger further teaches where the step of transmitting a grant of access to the reverse link traffic channel further comprises a step of determining a time interval between the time that the demodulator will be available and the time that an access grant can be transmitted (page 9, lines 19-25; where the “time delayed channel assignment message comprises the time when the demodulator will be available and the time the “new” user can start transmitting).

Regarding claim 6, 14 and 20, Bender in view of Willenegger teaches all the limitations of claims 1, 8 and 15, respectively. Bender further teaches where the communication resource access request is a preamble (page 11, line 13-32; figure 5).

Regarding claim 7, 13, and 21, Willenegger teaches all the limitations of claims 1, 8 and 15, respectively. Willenegger further teaches where the access grant is an acknowledgment (page 9, lines 19-25; where “access to a channel” is inherently confirmed by an acknowledgment).

Regarding claim 22, Willenegger teaches all the limitations of claim 1. Willenegger further teaches the step of determining an earliest time that a grant of

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access to the reverse link traffic channel can be conveyed to a mobile station and where the apparatus further comprises a means for conveying the grant of access to the mobile station at or after the determined earliest time (pages 9 and 11, lines 21-25 and 27-32; where 5 msec. is an earliest time when the mobile station is aware of its signal being detected and where the access to the channel comes after the 5 msec.).

Regarding claims 23 and 24, Willenegger teaches all the limitations of claim 8. Willenegger further teaches where the means for generating a grant of access to the communication channel comprises a means for determining an earliest time that a grant of access to the reverse link traffic channel can be conveyed to a mobile station and where the apparatus further comprises a means for conveying the grant of access to the mobile station at or after the determined earliest time (page 11, lines 27-32; where 5 msec. is an earliest time when the mobile station is aware of its signal being detected and where the access to the channel comes after the 5 msec.).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 7:00 a.m. - 3:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

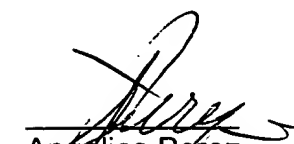
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

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Angelica Perez
(Examiner)

September 19, 2005


NAY MAUNG
SUPERVISORY PATENT EXAMINER
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